

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

8:98CR129

vs.

JERRY D. FARBER ,

Defendant.

ORDER

This matter is before the court on the Motion to Compel Answers to Interrogatories and Memorandum in Support (Filing No. 75) filed by the plaintiff United States of America. On August 31, 1998, the defendant pled guilty to three counts of tampering with motor vehicle identification numbers. **See** Filing No. 19. The court ordered the defendant to pay a special assessment and restitution as part of his judgment and sentence. **See** Filing Nos. 31 and 33. The present motion states the judgment remains unpaid despite efforts to collect. **See** Filing No. 75. On November 5, 2015, the plaintiff served the defendant with interrogatories and requests for production of documents in aid of execution of the judgment against the defendant. *Id.* at Ex. A - Interrogs. and Ex. B - Cert. of Service. On December 29, 2015, after the defendant failed to timely answer or otherwise respond, the plaintiff sent the defendant a letter to inquire why he had not responded. *Id.* at Ex. C - Letter. The defendant did not respond and the plaintiff filed the present motion to compel pursuant to Fed. R. Civ. P. 37(a) on February 23, 2016. **See** Filing No. 75.

The United States may enforce a restitution order in accordance with the practices and procedures for the enforcement of a civil judgment under Federal law or State law. **See** 18 U.S.C. §§ 3613(a) and (f), 3664(m)(1)(A). Federal Rule of Civil Procedure 69(a)(2) allows a judgment creditor to obtain discovery from the judgment debtor in aid of execution as provided in the Rules. Discovery devices permitted under the Rules include written interrogatories and requests for production of documents. **See** Fed. R. Civ. P. 33 and 34. The plaintiff served the defendant with thirty-four numbered interrogatories generally inquiring about his income, expenses, assets, debts, property, and other finances. **See** Filing No. 75 at Ex. A - Interrogs. p. 1-13. The plaintiff also

served the defendant with twenty-one numbered requests for production of documents related to the financial information sought by the interrogatories. *Id.* at 13-14. The court finds the plaintiff's interrogatories and requests for production are relevant to aid its execution of the judgment against the defendant. The defendant has not responded to the plaintiff's interrogatories or requests after the defendant's good faith attempt to confer with the defendant. Therefore, the court finds the plaintiff's motion to compel should be granted. Accordingly,

IT IS ORDERED:

1. The Motion to Compel Answers to Interrogatories (Filing No. 75) is granted.
2. The defendant shall answer and produce documents responsive to the Interrogatories and Production of Documents by Judgment Creditor United States of America **on or before March 25, 2016**. Each interrogatory shall be answered separately and fully in writing under oath. A copy of this Order shall be mailed to the defendant return receipt requested.

Dated this 24th day of February, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge